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Application Serial No.: 10/717,379
Amendment and Response dated January 5, 2006
Reply to Office Action of October 6, 2005REMARKS

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Claims 1-14, and 21-28 are pending in the application. The Office Action: (a) rejected claims 1-2 and 4-7 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,484,442 to Melker et al. ("Melker"); (b) rejected claims 1-2 and 4-8 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,048,343 to Mathis et al. ("Mathis"); (c) rejected claim 3 as being unpatentable under 35 U.S.C. § 103(a) over Melker and U.S. Patent No. 4,537,185 to Stednitz ("Stednitz"); (d) rejected claim 3 as being unpatentable under 35 U.S.C. § 103(a) over Mathis and Stednitz; (e) rejected claims 9-10 and 13-19, as being unpatentable under 35 U.S.C. § 103(a) over Mathis in view of Simonson; (f) rejected claims 15-20 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,752,809 to Gorek in view of U.S. Patent No. 5,902,231 to Foley et al..

Applicant amends claims 1, 2, 6, and 9, to more particularly point out and distinctively claim the inventive subject matter. Independent claim 1 relates to a "bone tap for introducing a bone filler into a bone." Claims 2-8 depend on claim 1 and therefore include the same limitations. The prior art does not suggest or disclose the bone tap for introducing a bone filler into a bone as claimed in claim 1.

Independent claim 9, relating to a "system for forming a threaded hole in a bone," includes, among other limitations, "at least one dilator configured to provide access to the bone." Claims 10-14 depend on claim 9 and, consequently, include that limitation.

Finally, Applicants have added claims 21-29 to further define the claimed invention.

The Applicant respectfully submits that the cited references fail to anticipate or render obvious the pending claims because they fail to teach or suggest at least the limitations quoted above. Accordingly, the Applicant respectfully submits that the presently pending claims are allowable and respectfully requests a prompt Notice of Allowance.

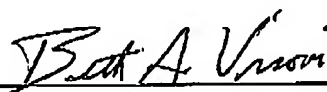
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The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR § 1.16, as well as any patent application processing fees under 37 CFR § 1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,
Frankel and Koysb

ABBOTT LABORATORIES
Customer No.: 23492
Telephone: (847) 938-7576
Facsimile: (847) 938-2623


Beth A. Vrioni
Registration No. 39,869
Attorney for Applicants